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**L'AFFECTATION ET LA PROTECTION DU TERRITOIRE
RURAL – USE AND PROTECTION OF LAND IN THE
COUNTRYSIDE – NUTZUNG UND SCHUTZ DES BODENS IM
LÄNDLICHEN RAUM**

Tiina Korvela, LL.M.

Doctoral Candidate in University of Helsinki

PART I

A. General Background Information

1. How is your country positioned within the framework of the European Union (EU)¹ policies and legislation specifically in terms of rural territory?

When it comes to EU's rural development policies, most significant is the Council Regulation (EC) No. 1698/2005 in which the guidelines for EU's rural development policy for 2007 to 2013 are set.

In Finland, this Regulation is implemented as development programs for 2007–2013. There are two development programs: one for Åland (approved December 13th 2007) and another for the mainland of Finland (approved August 10th, 2007).²

Nor the mainland of Finland or Åland are regions eligible under the Convergence Objective specified in the Regulation. Neither are they part of the phasing-out system included when Convergence Objective was adapted³. Thus Finland is not able to benefit from the Cohesion Fund.

Eastern part of Finland is eligible for transitional assistance under the Competitiveness and Employment objective.

2. Is your country participating in other modes in European regional cooperation – if not European, which other geographical entities?

Due to the geographical realities, regional cooperation modes Finland has joined include often countries outside European Union and / or non-European countries. Cross-border, transnational and interregional cooperation Finland has joined include the following.

The first operational programme Finland participates is 'Central Baltic' – other countries included are Estonia, Latvia and Sweden. Programme is mostly funded by European Regional Development Fund (ERDF). The Programme is focused on economical competitiveness and innovativeness and forming societies involved attractive and dynamic. 'Central Baltic'-programme is part of the traditional Baltic region cooperation.

There is also a transnational cooperation programme of the Baltic Sea countries, 'Baltic Sea Region Programme 2007–2013'. This programme

¹ Or the European Economic Area (EEA).

² In the Finnish context one must pay attention to the position of Ahvenanmaa, which is an autonomous area situated at the western archipelago of Finland. Before currently ongoing period there were six separate development programs.

³ This phasing-out system was granted to those regions which would have been eligible for funding under the Convergence Objective if the threshold of 75% of GDP had been calculated for the EU at 15 and not at 25.

includes all the coastline countries of the Baltic Sea. Funding from the Union comes not only from the ERDF but also from the European Neighbourhood and Partnership Instrument (ENPI) – latter for the participation of non-EU member state countries ie. Belarus and Russia⁴. The main aims of this programme are management of the Baltic Sea as a common resource, promoting attractive and competitive regions, fostering innovation and improving accessibility.

The second operational programme Finland has joined, along with Sweden and Norway is 'Botnia – Atlantica'. Half of the funding for this programme comes from the ERDF. The main priorities of the programme are collaboration structures and growth through collaboration. One aim of the programme – strengthening the cultural ties of partners – continues the old tradition of collaboration between the countries of Scandinavia.

Third operational programme, 'North', includes the same countries as the previous one and is also partly funded by the ERDF. The priorities of this programme are economical development of the area, research and education, regional functionality and identity. Strengthening the Sami culture is also part of this programme.

Fourth operation programme, 'Northern Periphery', includes parts of Ireland, Finland, Sweden and United Kingdom. Northern Finland, Eastern Finland and Middle Finland are included in this programme, which is mostly funded by ERDF. Aims of the programme are promoting innovativeness and competitiveness and improving sustainable development of natural resources.

Finland is part of the Northern Dimension (ND). The ND is a cooperation instrument between four equal partners: the EU, Russia, Norway and Iceland. The ND covers North-West Russia, the Baltic Sea and the Arctic regions⁵. During Finland's EU Presidency in 2008, the ND became a common policy of four equal partners. One of the partnership that form the ND is the Northern Dimension Environmental Partnership.

3. Constitutional conditions for rural businesses. Are there constitutional rights safeguarding freedom of rural activities – what are the suppositions for this (ownership of land, land resources)?

The constitution of Finland grants everybody the right to work and freedom to engage in commercial activity⁶. 'Commercial activity' is interpreted broadly, including all the ways for one to earn ones living: in the Finnish text of the

⁴ Norway is providing its own funding.

⁵ The Barents region included.

⁶ The Constitution of Finland, 18 §.

Constitution it states "...right to earn a living with any work, profession or livelihood according to ones choice".⁷

Also the Constitution-based protection of property has been used as an argument to safeguard the freedom of rural activities⁸. The restrictions to the usage of ones property must be enacted in an Act. The protection of property is nevertheless unrestricted in a meaning that all kinds of usage would be protected by the Constitution. There has been environmental law research on the paradigm of unrestricted ownership rights in Finnish law and the flaws in this paradigm.

When it comes to protection of property, the ownership of the land is the key factor. In the wide interpretation material the Constitutional Law Committee⁹ has produced the ownership has been given rather broad meaning: all the rights that can have economical value are included. Thus, protection of property extends to restricted land use rights, rented areas etc.

One more section of the Constitution affects the rural activities: everyone's responsibility for the environment.¹⁰ This responsibility is not restricted to the ownership of the land or limited land use rights, but is laid to everyone. The scope of this responsibility is yet somewhat vague, since the Constitution was enacted year 2000 and case law of the section still waits to be given.¹¹

4. Is there a planning or allocation system for agriculturally suitable areas?

The land use planning system in Finland consists of three levels. The two most precise plans – local detailed plans and local master plans – are applied to urban areas only. The most general ones – regional land use plans – include also agriculturally suitable areas. The system is hierarchical: higher level plans steer lower plans.

There is also national level in the land use planning. These national land use guidelines are approved by Council of State. The national land use guidelines are not actually part of the land use planning system but they should be taken into account when making decisions on land use at the regional or local level.

⁷ The Constitution of Finland, 18.1 §. Attention can be paid to the way this paragraph is formulated. Finland has adopted the civil law legal system instead of common law system. With it comes the understanding that all the words in legal texts are meaningful and synonyms are not used just to be on the safe side. It can be interpreted that since the synonyms are used in this paragraph there has been an attempt to pay attention to the various ways of earning a living.

⁸ The Constitution of Finland, 15 §.

⁹ Finland lacks a separate Constitutional Law Court. The Constitutional Law Committee of the Parliament uses the same kind of interpretative power than the Constitutional Law Courts elsewhere.

¹⁰ The Constitution of Finland, 20 §.

¹¹ The human rights sections of the Constitution reality date back to the reform which came to force in 1995.

Issues of national importance are thus filtered into the more precise planning levels: aims such as economically and ecologically sustainable development and favourable living environment are considered in the national land use guidelines. The national land use guidelines are implemented mainly by the regional land use plans – which then again affect on local planning. The regional land use plans are thus the level of planning system that can have an impact on the agriculturally suitable areas.

5. Describe briefly the system of authorities and courts which are decisive for matters of rural territory issues.

When it comes to rural territory issues, different kinds of financial support play significant role. Regardless the normative background – are the subsidies based on the EU-level decision or decided on the national level – the decision-making on the financial support is made in two instances. The local agricultural offices on the community level decide part of the applications for the financial subsidies. On the regional level, the Centres for Economic Development, Transport and the Environment make decisions concerning the economic issues of rural territory.

The civil and criminal cases concerning also rural territory issues are brought first to the district courts. Normally one can appeal from the district court to the courts of appeal, then to the Supreme Court – provided that the Supreme Court grants leave to appeal.

The decisions made by the public authorities can be brought to the administrative courts. The decisions of the administrative courts can be appealed to the Supreme Administrative Courts.¹²

B. Rural Territory and Land Use

6. Is there a legal definition of rural territory in the legislation? If not, is there a political content of this concept and in what connections is it used?

The closest translation of the term ‘rural territory’ is in Finnish *haja-asutusalue*. It refers to an area of dispersed settlement, an area that is scarcely populated, and in which farmsteads are scattered throughout the area. Population density in the areas of dispersed settlements vary being greater close to the urban areas and lesser in distant areas. Nucleated villages as a class of settlement do not exist in Finland.

Above mentioned term is used in several part of the legislation, from the Mail Service Act¹³ to the Waste Act¹⁴ and Act on the Supporting of Water Supply

¹² The precondition of granting the leave to appeal is needed in some areas of the jurisdiction of the Supreme Administrative Court.

¹³ 313/2001.

and Sewerage¹⁵. Nevertheless, the term is not defined when used in these acts – it is used in its common language meaning. Thus it could be said that there is a political context of the concept, but not a normative one.

Recently especially the wastewater treatment in rural areas has been in the limelight of legislative procedures¹⁶. As elsewhere in the legislation, the term *haja-asutus* is commonly used and not defined. If any way, dispersed settlement is defined exclusively: paragraphs on dispersed settlement apply to all the areas that are not mentioned in other paragraphs.

7. Do you feel that agricultural practices and forestry should have a safeguard against environmentally based intervention – or should these practices have the same environmental position as any other operation or activity?

The mentioned attitude has strongly been present in Finnish political discourse and legislation. When the Ministry of Environment was formed in the 1980's one of the main concerns expressed was that environmentally based intervention was not needed in certain issues, these being especially rural activities. This attitude can be accounted for the fact that until the 1960's most of the Finns gained their livelihoods from the primary production.

In recent decades the attitude has changed. The weight of this change yet waits to be seen, but the environmental impacts agriculture, forestry and other rural activities have in recent years been taken into discussion. Thus the economical and social shift Finland has undergone has had its impact on the position environmental concerns have in rural issues.

8. General structure of land use planning: does it cover all areas (cities, countryside), is there a sectoral approach (agriculture, forestry, nature conservation etc.)?

Land use planning as described in answer n:o 4 covers generally all areas. The substantial difference is made with the preciseness of the plans: the more detailed the plan, the more urban area it covers. Thus regional land use plans cover also rural areas, local detailed plans and local master plans apply only to urban sites. National land use guidelines apply also to the rural areas, even though these are not exactly part of the land use planning.

¹⁴ 1072/1993.

¹⁵ 686/2004.

¹⁶ The main concern in the issue on wastewater treatment are the houses not connected to centralised seweraged systems – some 20 % of Finns live in areas concerned. It is said that the phosphorus loads in wastewater from rural homes contribute considerably to the eutrophication of rivers, lakes and the sea. In more detail see Government Decree on Treating Domestic Wastewater in Areas Outside Sewer Networks, (542/2003).

Thus formally there is no sectoral approach in land use planning. Nonetheless, one form of regional land use plans can function similarly as sectoral land use planning. Regional land use plans can be drafted in three forms (see more on this in answer n:o 10). The most precise of these, sub-regional land use plans, can be drafted to cover certain coherent areas, for example river systems. It can be said that these sub-regional land use plans can be drafted on sectoral basis and thus have similarities with sectoral land use planning even though formally planning is still general.

C. Position of Agricultural Units

9. In terms of property law, what is the position of agricultural units?

When it comes to property law, agricultural units are registered as real estates. Similarly as in common law countries, real estate includes the land and such improvements to the land that are immovable. In Finnish real estate law also the appurtenances are included in the concept of real estate. Thus agricultural units as real estates include the land – meaning the soil and the growth it gives – the buildings on it, machinery, roads, canals and also the keys to the buildings, ladders to the roof and so on.

10. In terms of land use planning, how are agricultural areas identified?

In land use planning – as described in the answer n:o 4 – agricultural areas belong to the scope of the regional land use plans and national land use guidelines. The regional land use plans can be drafted in three forms: they can be (a) *comprehensive* covering all major planning issues in the area, (b) *phased* covering certain specific planning issues during each planning phase or (c) *sub-regional* covering smaller sub-regions or coherent areas, e.g. river systems.

Among things to be considered in regional land use plans are ecological sustainability of the actions planned and needs of economical activity in the area. Both of these aims require paying attention the agricultural areas. E.g. when it comes to ecological sustainability the condition of water resources must be considered in land use planning. Similarly, agricultural units are part of the economical structure of the area and thus their needs must be met in the regional land use plans. At the simplest this means that in the planning the vitality of the agricultural entities is not unnecessarily restricted.

In regional land use plans, areas suitable for agriculture are not separately identified. Nevertheless, special development areas can be specified. One form of the special development area are the rural development areas. In this type of area the need for development occurs from the needs of agricultural activities. Thus agricultural activities and their challenges can be met in this phase of land use planning.

National land use guidelines are drafted in such a small scale that agricultural areas are not separately identified into the guidelines.

11. What law is regulating lease of agricultural land? Are there specific rules on rural lease?

Lease of land in Finland is regulated by the Land Lease Act (258/1966). Lease of agricultural land belongs as well to the scope of this Act. According to the preparational material of the Act the land lease is meant to be a supplementary method of arranging land use for farming and forestry and supposed to stay subsidiar to ownership-based land use.

According to Land Lease Act the rent can be a fixed-term contract or made for the time being. Contracts made 'for good' or 'for life' are not accepted as land lease contracts. The meaning of the contract must be assigning the land with all the property rights to the tenant farmer – right merely to harvest or take land does not qualify as land lease contract.

12. Under the CAP subsidy regime, how is the relationship between land lord and tenant regulated?

Implementing the CAP subsidy regime has been and is rather a difficult task for the national politics. In the ongoing CAP reformation process the different options have naturally different effects on the relationship between landlord and tenant.

Currently in the CAP subsidy regime the right of the subsidy is confirmed to the tenant. It also stays with the tenant after the lease period is ended unless otherwise is agreed on the contract. This has been seen as unfair, albeit the subsidy right remaining to the tenant can be hindered with a simple clause in the lease contract.

Just recently, in February 2011, Land Lease Act was amended to better meet the challenges of the subsidy system as a whole.¹⁷ The longest possible lease period was lenghtened in a such way that the Land Lease Act would not form an obstacle for the granting of some subsidies. These have been especially some long-term, decoupled investment subsidies that have not been able to be granted to the tenant due to the shortness of the lease contract. The subsidy granted for establishing wetland areas was an example of these.

¹⁷ 1140/2010.

PART II

A. Rural Business Law

13. Are there political instruments for the development of rural areas?

Developing the rural areas has for long been a priority in Finnish political life: the branch of politics is called regional politics. The implementations of the politics mean decentralizing administration and higher education units from urban Finland to regional centres, granting benefits to projects vitalizing regional activities etc.

One of Finnish political parties is established especially for the needs of rural areas. This Centre Party has had and still has an impact in Finnish politics: until the election of 2011 it was a coalition partner¹⁸. Thus the rural development was a focus in the latest government platform. Mainly via this party the issues of rural development have been funneled to the political reality and legislation.

14. Is rural development part of your country's regional development programmes?

As a conclusion from the answer n:o 13, regional development programs in Finland include rural development. Regional development includes also other aspects but the vitality of agriculture and forestry is one main theme in this part of the national politics.

The currently running regional development program is called The Rural Development Program for Mainland Finland 2007–2013. There is a parallel program for the autonomous island, Åland, for the same period of time. Previously there has been six separate programmes in the same field. Since the minor status of Åland only the mainland of Finland is covered here.

In the Rural Development Program, the aims of the development of the regions is divided in three. Aims are to maintain the viability and vitality of rural regions, enhance the state of the environment and ensure that renewable natural resources are used sustainably. The aims are pursued by dividing practical measures into four main axes: (1) adding competitiveness of agricultural and forestry sector, (2) improving the environment of the countryside (3) improving the quality of life in the rural areas and the diversification of the rural economy and (4) supporting Leader activities.

The Program is meant to provide a wide range of opportunities for different ways of developing the rural areas.

¹⁸ Writing this the government negotiations after parliamentary elections in April 2011 are still ongoing.

15. In scarcely settled regions, are there specific models for supporting viability of villages and population?

Supporting viability of scarcely settled regions is done via the Rural Development Program described in answer n:o 14. Especially the third axe of the Programme, improving the quality of life in the rural areas, adds to the vitality of the scarcely settled regions. This axe includes the diversification and development of non-agricultural livelihoods in farms and other rural-micro-enterprises, development of rural tourism and development of rural services and villages.

16. Is sustainability an objective for land use planning in rural areas?

Sustainability is an objective for land use planning in rural areas. As can be seen from the answers n:o 4 and 10, in regional land use plans ecologically sustainable land use patterns should be one of the considerations incorporated in the regional land use plans.

B. Nature Conservation and Rural Business

17. Nature conservation areas are often created on state-owned land. In your country, can agricultural land or other land in economic rural use be taken for conservation purposes?

Regarding forestry, taking the forests of southern Finland into conservation purposes is organized via METSO program. The program gives landowners a variety of possibilities to give their forests to conservation purposes. The initiation for attending the program comes always from the landowner's side. There is also an option to give the land for conservation purposes with a fixed-term contract.

Actually *taking* land, in use for agriculture or forestry, for conservation purpose is possible when a nature conservation site is established. These processes are arranged in Nature Conservation Act and Wilderness Act. Nature conservation areas are found according conservation aims laid down in seven nature conservation programs given by the Council of State. Wilderness areas established according to Wilderness Act are mainly situated in northern Finland.

Almost all, 98 %, of the land in nature conservation areas is state-owned. Areas owned by private persons or corporations will either be bought by the state – the value is evaluated according to so called market price – or the landowner stays as an owner and state compensates the lost value the usage limitations cause.

Peat production is a Finnish peculiarity and falls into the category of other land in economic rural use. In peat production, peat harvested out of mire is used for energy production. Conserving mires and peat production collide since mire once used for the peat production is no longer eligible for nature conservation purposes.

In these cases the interest of nature conservation has been taken into consideration in advance. In national land use guidelines, which oblige drafting of the regional land use plans¹⁹, this discrepancy has been stated. It is required that in regional land use plans the needs of nature conservation and peat production are reconciliated.

In early 2011, proposition for Finnish National Strategy for Mires and Peatlands was given. One aim of the Strategy is to come into conclusion between the needs of nature conservation and peat production.²⁰

18. Old villages often have a cultural value which may invite for tourism and other new business. Has this approach relevance for your regional policies or land use planning?

Nucleated villages are not the class of settlement in Finnish rural areas. In Finland the class of settlement in the scarcely populated rural areas is dispersed settlement. This means that the settlement in the rural areas do not form neat villages, but farmsteads are scattered throughout the area.

Naturally community centres form more nucleated areas of settlement. In most cases the community centres are too young to possess significant cultural value.

When it comes to the exceptions – nucleated villages or community centres of cultural value – built environment can be protected. The preservation of valuable landscapes and buildings is mainly ensured through local authority planning decisions. The legal framework for the planning as described in answers n:o 4 and 10 is Land Use and Building Act²¹. Culturally or historically significant buildings and built-up areas may also be protected under the Act on Protection Built Heritage²². The latter one is applied if protection under Land Use and Building Act is not possible.

19. Tourism in natural areas may affect and harm natural values but bring improvement for local economies. What kind of balancing instruments does your system provide for?

Balancing system between the needs of tourism and the protection of natural values is mainly established by protection of nature or cultural heritage. Also land use planning system can be used to reconcile between the needs of

¹⁹ See answers n:o 4 and 10 on the land use planning system in general.

²⁰ The proposition was heavily criticized already before publishing. Afterwards the Finnish Association for Nature Conservation (FANC) and Birdlife Finland complained to the EU Commission that Finland has not fulfilled its obligations when it comes to implementing of Habitats Directive (92/43/EEC) and Birds Directive (2009/147/EC).

²¹ 132/1999.

²² 498/2010, the Act in force from 1st July 2010 on.

tourism and natural values. In the last-mentioned especially shoreline planning is noteworthy: Finland as a 'land of thousand lakes' the Lake District is one of the main tourist attractions. Same applies to the archipelago in southwest of Finland.

The Nature Conservation Act²³, with which the EU Birds and Habitat Directives were mainly implemented, is the main tool for regulating the protection of natural values. The Act also incorporates the legislation necessary for the establishment of the Natura 2000 Network. The protection of cultural heritage as mentioned in answer n:o 18 is another value-based method of balancing system.

The part of the land use planning system significant here is the shoreline planning. Since the shores of lakes and sea are one of the tourist attractions, the planning of the shorelines can be used as a balancing method. According to Land Use and Building Act, new buildings may not be constructed along shores except where this is expressly permitted through local detailed plans or local master plans that also control development in shore areas. If no such planning permission exists, developers have to apply for exceptional building permits. About a quarter of shorelines are now covered by local master plans which control building permits.

When it comes to tourism and rural areas, landscape protection and management must also be noted. Nationally or regionally significant landscapes may be designated as landscape conservation areas under Nature Conservation Act.

The age-old rights known as everyman's right grant everybody the right to roam and take advantage of nature's values. Everyman's right extends even to private land. Traditionally everyman's right has been in force as a customary law, but has as well been taken into different statutes of civil law.

20. Are there any restraining factors available? Is there a distinction between natural forests (involving values of biodiversity) and economic forests?

Finland is the most forested country in Europe: forests cover more than 70 % of the land area. Approximately 13 % of the forest area are protected or under restricted use. In this respect Finnish forest policy has changed significantly over the past decades. There are various combinations of reconciling the needs between economical forest use and conservation aims.

The protection is based on the network of protected areas. The national parks and strict nature reserves constitute the basic framework of the nature conservation network. Other areas dedicated to biodiversity conservation include strictly protected zones in wilderness areas, protected old-growth forest areas, and areas under several conservation programme.

²³ 1096/1996.

Abovementioned areas are supplemented by voluntary forest protection and biodiversity conservation in commercial forests. The voluntary forest protection is important especially in southern Finland, since majority of national parks are located in the northern Finland. The means of voluntary forest protection is the Forest Biodiversity Programme for Southern Finland (METSU). Conservation schemes are largely based on the voluntary participation of landowners willing to safeguard biodiversity in their own forests.

When it comes to biodiversity conservation, the habitats of special importance for biological diversity are defined in the Forest Act. These habitats are usually in their virgin state or slightly modified and they are small in size. Forest management practices have to be carried out in such a way that the special features of these habitats are maintained.

21. Is it possible for rural land owners to enter agreements with nature conservation authorities in order limit damage caused by their land use (land use restrictions involving temporary compensation)?

C. Land Use and Development

22. *The EU and also other international organisations support regional development. The EU has several development programmes with financial support (e.g. Life).– Please give a short report about the importance and content of these instruments for your country and its regions.*

Concerning regional development programs in general answer n:o 2 is referred.

Since the beginning of Life programme in 1992, a total of 118 projects have been financed in Finland. Projects have mainly focused on environmental innovation and nature conservation, only one project has been about information and communication. Total investment to the projects has been approx. 193 M€, of which approx. 84 M€ came from the EU.

Finland has had success in Life programme: the amount of Life projects per capita is the biggest in the Union. When it comes to program Life+, Finnish projects have shared annual funding of approx. 7–10 million euros. The challenge in Finland is to produce sufficiently applications which are of decent quality and competitive enough.

23. *The EU Natura 2000 network supports and sets mechanisms especially for the protection of biotopes and sites. In what manner has this regulation been transposed and administrated in your country (especially art. 3 and 6 of the Habitat Directive 1992)?*

The Natura 2000 network has been implemented via various pieces of legislation. Article 3 of the Habitats Directive – the area belonging to the network – has been implemented in paragraphs of Forest Act, Nature Conservation Act, Wilderness Act²⁴, Soil Extraction Act²⁵ or Rapids Protection Act²⁶. The piece of legislation with which the Article 3 has been implemented has impact on the actions allowed in the area.

Not all areas belonging to Natura 2000 network have been formed into conservation areas under Nature Conservation Act. This has been necessary only for the areas where the restrictions for the land use have been most severe. The compensations for the land owners have also been regulated in the Nature Conservation Act.

²⁴ 62/2991.

²⁵ 555/1981.

²⁶ 35/1987.

When it comes to implementation of Article 6 of the Habitats Directive, plans and projects likely to have significant effect on the area must be either evaluated in the so called Natura-evaluation or alternatively in EIA procedure. Nonetheless if the project planned would contradict the values protected in the network area, the Council of State can grant an exceptional permit (according to Art. 6(4)). Proceedings mentioned here are regulated in the Nature Conservation Act.

24. To what extent does your Natura 2000 list of designated areas cover land in agricultural use (including olive oil and wine areas)?

The area of Natura 2000 network in Finland is approx. five million hectares. Three fourth of this are areas on land. Natura 2000 network areas have mainly been in conservation use: 97 % of the areas in the network were already in some nature conservation program when the implementation of Habitats Directive begun.

This means that not more than 3 % of the areas in Natura 2000 network could cover land in agricultural use.

25. Are there measures for the protection or reconstruction of natural sites damaged by forest fires?

Protection of forest fires comes mainly from the informative guidance: in season sensitive to fires authorities give restrictions on fire-raising. These forest fire warnings are given in accordance with the weather forecast and during the period of a warning fire-raising is forbidden.

Fire-raising in open land is not part of the everyman's right. During times when no forest fire warning is present, fire-raising in terrain is not allowed without landowners permission.

Regarding to reconstruction of natural sites, a government enterprise administrating state owned land, Metsähallitus, restores areas after forest fires. Above mentioned Life+ financing tool has been in an important role in restoring activities. Also METSO program mentioned in answer n:o 20 has provided financing for the restoring activities.

26. What instruments does your system provide for, in order to protect rural waters and natural areas against diffuse (non-spot) emissions caused by local activities?

When it comes to diffuse emissions caused by local activities, the environmental pollution protection system in Finland is less structured than it is with respect to point source pollution. Diffuse emissions from agricultural activities to rural waters cause eutrophication, which is the most serious problem in the Finnish coastal waters. Proceeding comparable with the

permission system used in the IPPC Directive do not exist in the prevention of non point source pollution.

The most important instrument in protecting rural waters is the agricultural environmental aid system financed by national funds and EU. The aim of agri-environmental support is to encourage farmers to take measures that promote biodiversity and reduce the harmful impacts of nutrients in runoff from farmland on inland waters and (eventually) on the sea. Approx. 90 % of Finnish farmers have committed themselves to the scheme.

Through the scheme farmers commit themselves to carry out basic agri-environmental sub-measures, additional measures defined on a farm-specific basis, and in some cases also special sub-measures covered by special agreements. The actions supported in special agreements are e.g. establishing and managing riparian zones to protect water bodies, management of traditional biotopes and runoff water treatment methods.

Alongside with the environmental aid system rural waters are also protected by the implementation of the Nitrates Directive²⁷. The Directive is implemented as the Nitrates Degree²⁸. Degree is binding regardless the farmer's position in the environmental aid system. Currently similar regulation is planned for the phosphorus load caused by the agricultural activities.

27. What planning instruments do you have for villages and other populated rural areas?

The land use planning system in general is described in answers n:o 4, 8 and 10. Forms of land use plans used in populated rural areas are local master plans and local detailed plans. These are prepared and approved in local level, meaning by municipal authorities.

Local master plans define land use patterns at municipal level in general terms, allocating different areas for different land uses such as housing, traffic, services and recreation. Local master plan is the general plan for municipalities. Local master plans can be drafted for the municipality as a whole, for a part of the municipality or as a joint master plan for several municipalities.

Generally local master plan is presupposed for the drafting of local detailed plan. Local detailed plans determine the characteristics of local neighbourhoods, covering land uses and all types of construction. The locations and sizes of buildings, streets and parks are all defined in detail.

²⁷ 91/676/EEC.

²⁸ 931/2000.

28. How are rural actors (local or their organisations) involved in the development of programmes and land use plans?

When it comes to land use planning, participation rights are guarded in law, in Land Use and Building Act. Generally speaking plans are drafted in interaction between public authorities and those whose circumstances or interests the land use plans might significantly affect.

Actors – persons or organizations – are entitled to take part in drafting of plans if the plan might have a significant effect on their circumstances or interests. This means that the participation rights in the planning are wide: landowners, inhabitants and others who use the area are included.

Organizations are included if the drafted plan pertains to their field of organizations activities. If the effects of the plan oversteps municipality borders, also members of another municipality and organizations there are entitled to participate in the process.

Ways of participating are similarly wide. One can have direct contact with the authority drawing the plan, take part in information sharing and discussion forums organized by authorities, or giving ones opinion while the plan is displayed for public inspection.

With respect to the development programs, participation rights are not as establishes as when it comes to land use planning. Development programs are more of a political processes in their nature and as such the participation rights are not as crucial for the impartiality as in more normative procedures.

In the Rural Development Programme for Mainland Finland for the period of 2007–2013 the starting point for the activity supported is actor's own idea for the development of the area. The range of tools in the development program is wide and meant to be continuously enchanted to meet the changing needs of the rural areas. The practical measures are divided in the four main axes of the Programme – nonetheless the opportunities the Program provides are meant wide.

Since the Rural Development Program is built in the above-mentioned manner the question of participation rights does not fit that well to the concept. The elastic concept of the Program enables public participation throughout the Program period and establishing normative and more or less all-inclusive participation rights has not thereby been needed.

Final Remarks

You may here give your thoughts about the situation in your country, the ongoing discussion and future aspects. Has traditional countryside a future?